

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

JUSTIN ERIC YBARRA,

Plaintiff,

v.

3:12-cv-306

C.O. MALVERY COOPER,

Defendant.

MEMORANDUM

This is a *pro se* prisoner's civil rights action brought pursuant to 42 U.S.C. § 1983. By the Scheduling Order entered in this cause, the plaintiff was ordered to file his Pretrial Narrative Statement on or before March 28, 2013. The plaintiff was advised that failure to file a Pretrial Narrative Statement would result in dismissal of plaintiff's complaint for failure to prosecute and to comply with the orders of the Court.

The plaintiff has failed to file his Pretrial Narrative Statement or otherwise respond to the Scheduling Order. The Court also notes that plaintiff has not responded to the defendant's motion to dismiss. Accordingly, this action will be **DISMISSED WITH PREJUDICE** for failure to prosecute and to comply with the orders of the Court. Rule 41(b) of the Federal Rules of Civil Procedure. *See Jourdan v. Jabe*, 951 F.2d 108 (6th Cir. 1991); *Carver v. Bunch*, 946 F.2d 451 (6th Cir. 1991). All other pending motions will be **DENIED**

as **MOOT**. The Court will **CERTIFY** that any appeal from this action would not be taken in good faith and would be totally frivolous. *See* Rule 24 of the Federal Rules of Appellate Procedure.

AN APPROPRIATE ORDER WILL ENTER.

s/ Leon Jordan
United States District Judge